

LEGISLATIVE COUNCIL BRIEF

Marriage Ordinance
(Chapter 181)

MARRIAGE ORDINANCE (AMENDMENT OF SCHEDULE 2) ORDER 2014

INTRODUCTION

At the meeting of the Executive Council on 25 November 2014, the Council ADVISED and the Chief Executive ORDERED that the Marriage Ordinance (Amendment of Schedule 2) Order 2014 (the Order), at **Annex**, should be made under section 36 of the Marriage Ordinance (Cap. 181) (the Ordinance), to increase the prescribed fees related to the appointment and renewal of appointment as a civil celebrant.

JUSTIFICATIONS

2. Fees are payable for the appointment and renewal of appointment as a civil celebrant under the Ordinance. The related fees are set out in Schedule 2 to the Ordinance and have been implemented since 2006. In accordance with section 36 of the Ordinance, the Chief Executive in Council may by order published in the Gazette amend Schedule 2.

3. It is government policy that fees charged by the Government should in general be set at levels sufficient to recover the full cost of providing the services. In the 2013-14 Budget Speech, the Financial Secretary emphasized the need to review fees and charges systematically for upholding the “user pays” principle, with priority given to those fees that had not been revised for years and did not directly affect people’s livelihood, as well as items which had low cost recovery rates. The fees related to the appointment and renewal of appointment as a civil celebrant have not been revised since their implementation in 2006.

4. A recent costing review conducted at 2014-15 prices shows that the

existing fees related to the appointment and renewal for appointment as a civil celebrant only recover 56% to 79% of the full cost of providing the service. In order to achieve full cost recovery gradually and avoid a steep fee increase, we propose a 10% to 16% increase in these fees based on the government-wide general guidelines for fee increases. Details are set out below –

		Existing Fee (last revision date)	Cost recovery level at 2014-15 price level	Proposed Fee	Proposed Revision (rate of increase)	Cost Recovery Rate after the Proposed Revision
(a)	Processing application for appointment as civil celebrant or for renewal of such appointment	\$650 (Mar 2006)	79%	\$715	+\$65 (10%)	86%
(b)	Appointment as civil celebrant	\$350 (Mar 2006)	56%	\$405	+\$55 (16%)	65%
(c)	Renewal of appointment as civil celebrant	\$350 (Mar 2006)	56%	\$405	+\$55 (16%)	65%

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5. The Order amends items 10, 11 and 12 of Schedule 2 to the Ordinance to revise the fees payable in relation to processing the application for appointment as a civil celebrant or renewal of such an appointment, appointment as a civil celebrant and renewal of appointment as a civil celebrant.

LEGISLATIVE TIMETABLE

6. The legislative timetable is as follows –

Publication in the Gazette
Tabling at the Legislative Council
Commencement

5 December 2014
10 December 2014
9 February 2015

IMPLICATIONS OF THE PROPOSAL

7. The Order is in conformity with the Basic Law, including the provisions concerning human rights. It has no civil service, economic, family, environmental or sustainability implications, and will not affect the current binding effect of the Ordinance.

8. The Immigration Department (ImmD) regularly reviews its operational systems to enhance cost effectiveness as well as the quality of services. Measures including applying information technology to streamline work flow, downgrading posts and increasing productivity have been taken to control costs and to enhance efficiency. Efficiency savings from these efforts have been factored into the calculation of the fees to be charged by ImmD for the provision of their services.

9. Additional revenue arising from the fee increase is estimated to be \$30,000 per annum.

PUBLIC CONSULTATION

10. The Administration issued a paper to the Legislative Council Panel on Security in June 2014 on proposals to revise 26 fees and charges (24 statutory and two administrative) for services under the purview of ImmD, which included the three fees related to the appointment and renewal of appointment as a civil celebrant. Members of the Panel raised no objection to the proposals.

PUBLICITY

11. A press release will be issued and a spokesperson will be available for answering media enquiries.

ENQUIRIES

12. For enquiries on this brief, please contact Ms Amy WONG, Principal Assistant Secretary for Security, at 2810 2330.

Security Bureau
December 2014

Marriage Ordinance (Amendment of Schedule 2) Order 2014

“405”.

(Made by the Chief Executive in Council under section 36 of the Marriage Ordinance (Cap. 181))

1. Commencement

This Order comes into operation on 9 February 2015.

Clerk to the Executive Council

2. Marriage Ordinance amended

The Marriage Ordinance (Cap. 181) is amended as set out in section 3.

COUNCIL CHAMBER

2014

3. Schedule 2 amended (fees)

(1) Schedule 2, item 10—

Repeal

“650”

Substitute

“715”.

(2) Schedule 2, item 11—

Repeal

“350”

Substitute

“405”.

(3) Schedule 2, item 12—

Repeal

“350”

Substitute

Explanatory Note

The object of this Order is to amend Schedule 2 to the Marriage Ordinance (Cap. 181) to revise the fees payable for—

- (a) processing an application for the appointment as a civil celebrant of marriages or for the renewal of such an appointment;
- (b) the appointment as such a civil celebrant; and
- (c) the renewal of an appointment as such a civil celebrant.